

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Tamme G Booth

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

Do you want a jury trial?

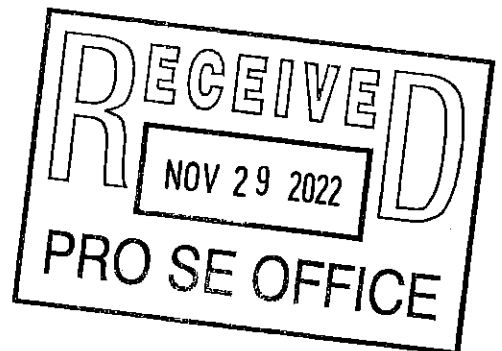
New York Presbyterian Hospital-Behavioral Health Center ☒ Yes ☐ No

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.



I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

TAMME G. Booth
 First Name Middle Initial Last Name
127 CREEKSIDE Circle
 Street Address
Rockland Spring Valley N.Y. 10977
 County, City State Zip Code
845-729-3553 Abastobo321@aol.com
 Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: Dr. Laura L. Forese MD. Executive VP and C.O.O.
 Name
 525 East 68 Street
 Address where defendant may be served
 New York N.Y. 10065
 County, City State Zip Code
 Defendant 2: Philip J. Wilner MD. Senior VP and C.O.O.
 Name
 21 Bloomingdale Rd.
 Address where defendant may be served
 Westchester, White Plains N.Y. 10601
 County, City State Zip Code

Defendant 3:

Shaun Smith - Senior V.P. Chief Human Resources Officer

Name

525 E 68th St.

Address where defendant may be served

New York City

N.Y.

10021

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

New York Presbyterian Hospital - Behavioral Health Center

Name

21 Bloomingdale Rd.

Address

Westchester White Plains

N.Y.

10601

County, City

State

Zip Code

III. CAUSE OF ACTION

A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☐ race: _____
- ☐ color: _____
- ☒ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status

- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status

- ☒ **Other** (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

- 1) I Tamme Booth submitted a Religious Exemption via a software application called Vax-app between 7/29-8/4/2021 during that period. Religious exemptions were being accepted as a condition of employment to continue to work. The exemption was pending with the hospital's ^{office} response to respond was 15 days. Please see attached. However, NYPH-BHC denied nor conceded to my claim.
- 2) On August 26th 2021 purported by NYPH that ("DOH") issued a mandate that hospitals & other healthcare institutions require "personnel" to be fully vaccinated.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? _____

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? _____

When did you receive the Notice? _____

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

To pay me my back pay and the 2 more years
I would've worked prior to retiring along
with a cash balance equalling \$750,000.00 for 3 yrs @
25,000.00/year. This is for pain and suffering, undo hardship
and punitive damages

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>11/29/2022</u>		<u>Tammie A Booth</u>	
Dated		Plaintiff's Signature	
<u>Tammie</u>	<u>S</u>	<u>Booth</u>	
First Name	Middle Initial	Last Name	
<u>127 Creekside Circle</u>			
Street Address			
<u>Rockland, Spring Valley</u>	<u>N.Y.</u>	<u>10977</u>	
County, City	State	Zip Code	
<u>845-729-3553</u>	<u>Albastobo321@aol.com</u>		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

FACTS

2a) against COVID-19. NYPH referenced the DOH mandate to include "personnel" such as myself who was employed and engaged in activities such that if they're infected with COVID-19 they would potentially expose other "covered personnel," patients or residents to the disease. Id. § 2.61(a)2. NYPH also referenced that the DOH mandate allowed medical but, not religious exemptions Id. § 2.61(d). As a result NYPH didn't grant any religious exemptions and all previously granted exemptions must be revoked. At this point, NYPH deleted all religious exemptions that were uploaded in their soft-ware Vaxapp.

2b) HR-Kept sending notices through my email that I've been non-compliant with consequences if I didn't comply. This created a hostile environment because every day became a challenge to come to work.

3) On September 14th my PCD Phyllis Capiagli kept approaching me to take the COVID-19 vaccine because the deadline was the following day the 15th. I told her I had a headache and couldn't do it at that time. I attributed my headache to the pressure being placed on me to comply. With much prayer the "Holy Spirit" prompted me not to take it. I called the medical clinic and told Dale Plummer I couldn't do it. He was ok with it and didn't bother me.

At approximately 2:30pm some co-workers sent an email about Federal Judge Hurd in the Northern District Court of N.Y. granted a temporary restraining order blocking the portion of the N.Y. (DOH) COVID-19 vaccination mandate for healthcare workers that excluded any religious exemption to receiving the vaccine.

Dr. Aet. al. v. Hochul et al., no. 1:21-cv-1009. It barred the DOH from enforcing the vaccine mandate. NYPH had to send notification to all who submitted the ^{religious} ~~vaccine~~ exemption. They were able to resubmit their claims. However, I was never notified and believe this →

FACTS:

3.) cont'd was a form of Retaliation. On September 15th 2021, I called out as my headache still persisted and my blood-pressure was elevated. My PCD contacted me via text and informed me I had to get COVID-19 tested PCR only before returning back to work. I tested negative, contacted work force health and safety and they cleared me to come back to work on September 21st 2021. My PCD-Phyllis Capiagli⁸ called me that same day to inform me, I was on the non-compliant list. I asked how; when I did submit my religious exemption. Unfortunately, I was locked out of the system and wasn't allowed to work. She also instructed me if I don't agree to get vaccinated by the 23rd of September "I would be considered resigned". I denied the same as this was considered a wrongful termination.

4.) NYPH's actions has caused an adverse employment action of termination towards me after being a dedicated committed Registered Nurse of 19 years. NYPH failed to accommodate my religiously held belief under Title VII of the Civil Rights Act of 1964 which protects me from having to choose from my job and the practice of my religion. NYPH's claim where accommodation of such would cause (NYPH) Employer to violate federal law and subject them to potential penalties. We all can concur that the DOH is state but, The Constitution is the Supreme law of the land. The Supremacy clause of the U.S. Constitution under Article VI The constitution states: This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby anything in the constitution or laws of any state to the contrary notwithstanding.

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5.) I Tamme G. Booth has been robbed of my constitutional rights. No emergency use authorization, pandemic, DOH mandates can suspend one's constitutional rights. To do such would be considered a miscarriage of Justice. —————

T. Booth
Tamme G. Booth
11/29/2022

07/29/2021

Dear [Sir, Madam]

I am writing to request a religious exemption from the covid vaccine.

Participating in a medical experiment, such as a covid vaccine is a violation of my sincerely held religious beliefs. Covid vaccines have an *emergency authorization* by the FDA, and not an approval. Therefore, these are experimental treatments, and I have the right to refuse medical treatment without being discriminated against, such as being terminated or given a lower level of treatment.

According to the FDA,

<https://www.fda.gov/vaccines-blood-biologics/vaccines/emergency-use-authorization-vaccines> explained:

FDA must ensure that recipients of the vaccine under an EUA are informed, to the extent practicable given the applicable circumstances, that FDA has authorized the emergency use of the vaccine, of the known and potential benefits and risks, the extent to which such benefits and risks are unknown, that they have the option to accept or refuse the vaccine, and of any available alternatives to the product.

The body is the temple of the Holy Spirit and as such, should not be used for medical experimentation. It is against my faith to have a foreign substance injected into my bloodstream; my Creator made me in His image and it is against my belief to use recombinant RNA, from a non-human source, to create a new form of life and the Law of the Old Testament, but more importantly, I am concerned that the vaccine are possibly harmful to the human body. I am a member of the American Pharmacopoeia.

That means I do not

There is no evidence that I am carrying an infectious disease, so I cannot be defined as a "direct threat" because this has not been established and is therefore not valid. A licensed medical doctor who has examined me would have to determine that I am a threat and since there is no court order of quarantine against me, there is no evidence that I am a threat to others.

The burden of proof to refuse to accommodate my sincerely held religious belief is set at a very strict standard. According to law, stereotypes and generalizations are not valid evidence. To say that I am a threat to the health and safety of others simply due to my refusal of vaccination is akin to saying all Muslims are threats to the health and safety of others because they might be terrorists.

No emergency, pandemic, health orders, executive orders, school policies, rules, regulations, or any regulations, guidelines, directives, or measures suspend Constitutional rights.

No order has been passed by the U.S. Congress that gives an exemption to any individual, company, corporation, business, or group to allow for my rights to be violated. No executive orders supersede the Constitution.

I look forward to your constitutionally valid reply.

Sincerely,

Tamme Booth

[Tamme Booth]

CC: Department of Justice

EOC

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Tamme G. Booth**
127 Creekside Circle
SPRING VALLEY, NY 10977

From: **New York District Office**
33 Whitehall St, 5th Floor
New York, NY 10004

EEOC Charge No.
520-2022-01767

EEOC Representative
Ashraf Ahmed,
Sr. Federal Investigator

Telephone No.
9295065298

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): *You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.*

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Timothy Riera
09/30/2022

Enclosures(s)

Timothy Riera
Acting District Director

cc: **Liza Velazquez**
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 AVENUE OF THE AMERICAS FL 29
New York, NY 10019
Emily Vance
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 AVENUE OF THE AMERICAS FL 29
New York, NY 10019

Enclosure with EEOC
Form 161-B (01/2022)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosure with EEOC
Form 161-B (01/2022)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
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Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

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If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

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IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE *(ISSUED ON REQUEST)*

To: **Tamme G. Booth**
127 Creekside Circle
SPRING VALLEY, NY 10977

From: **New York District Office**
33 Whitehall St, 5th Floor
New York, NY 10004

EEOC Charge No.
520-2022-01767

EEOC Representative
Ashraf Ahmed,
Sr. Federal Investigator

Telephone No.
9295065298

(See also the additional information enclosed with this form.)

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Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Timothy Riera
09/30/2022

Enclosures(s)

Timothy Riera
Acting District Director

cc: **Liza Velazquez**
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 AVENUE OF THE AMERICAS FL 29
New York, NY 10019
Emily Vance
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 AVENUE OF THE AMERICAS FL 29
New York, NY 10019

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 520-2022-01767 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>
New York State Division Of Human Rights and EEOC <hr/> <i>State or local Agency, if any</i>	

Name (indicate Mr., Ms., Mrs.) Tamme G. Booth	Home Phone (845) 729-3553	Year of Birth 1962
Street Address 127 Creekside Circle SPRING VALLEY, NY 10977		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name NEW YORK PRESBYTERIAN HOSPITAL- BEHAVIORAL HEALTH CENTER	No. Employees, Members Unknown Number Of Employees	Phone No. (914) 682-9100
Street Address 21 BLOOMINGDALE RD WHITE PLAINS, NY 10605		
Name	No. Employees, Members	Phone No.
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON Religion	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 09/23/2021 Latest 09/23/2021 </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):		

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Tamme G. Booth 04/25/2022 <div style="text-align: right;"><i>Charging Party Signature</i></div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

BEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 520-2022-01767</p> <p align="center">FEPA</p>
<p>New York State Division Of Human Rights and EEOC</p> <p>_____</p> <p><i>State or local Agency, if any</i></p>	

As a registered/licensed Nurse employed by Respondent, New York Presbyterian Hospital, over the last approximately 19 years with an impeccable work history record, I submitted multiple applications via the internal Vaxapp for religious exemption from the mandatory vaccination mandates required of healthcare workers in July 2021. Instead of approving such request and/or offering an accommodation accordingly, Respondent's HR management terminated my position on 23 September 2021 under capricious and arbitrary circumstances, including non-compliance with vaccination requirements. Upon belief and information, therefore, I have been discriminated against, in violation of Title VII of the Civil Rights Act of 1964 (Title VII, as amended) and request that the EEOC issue me a Notice of Right to Sue, affording an opportunity to commence a private lawsuit before Federal District Court for all claims and damages.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Tamme G. Booth</p> <p>04/25/2022</p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p><i>(month, day, year)</i></p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.